



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

February 19, 2016

Ref: 8EPR-SA

The Honorable John W. Hickenlooper
Governor of Colorado
136 State Capitol
Denver, Colorado 80203-1792

Dear Governor Hickenlooper:

The United States Environmental Protection Agency is considering proposing the Bonita Peak Mining District in San Juan County, Colorado, on the Superfund National Priorities List (NPL), pursuant to its authority under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9605. The NPL contains a list of high-priority sites, which have releases of hazardous substances, pollutants or contaminants that require long-term remedial evaluation and response. It is the EPA's policy to determine the state's position on sites that the EPA is considering placing on the NPL. With this letter, the EPA is seeking the concurrence of the State of Colorado on adding the Bonita Peak Mining District to the NPL.

The Bonita Peak Mining District consists of 48 historic mines or mining-related sources where ongoing releases of metal-laden water and sediments are occurring within Mineral Creek, Cement Creek and the Upper Animas. These drainages join to form the Animas River near Silverton, Colorado, which is used for drinking water, recreation and agricultural purposes. Assessment work completed by the state of Colorado, the United States Geological Survey, the EPA and the Animas River Stakeholders group was used to identify these sources as significant contributors of metals found in the surface water and sediments throughout the mining district and the Animas River. Based on historic information for 32 of the mine sites, there are an estimated 248,000 cubic yards of waste rock and a cumulative estimated adit flow of approximately 3,740 gallons per minute or 5.4 million gallons per day. Contaminants found in these sources and in the surface water include arsenic, cadmium, copper, manganese, zinc, lead and aluminum. These contaminants impact fisheries that are harvested for human consumption, as well as wetlands and habitat for the threatened Canadian Lynx.

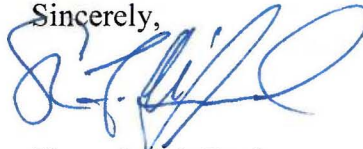
The EPA is committed to working cooperatively with interested states, tribes and local communities throughout the NPL listing and subsequent Superfund cleanup process and to ensuring that the EPA's actions are conducted in an open and transparent manner. We will continue to coordinate with the Colorado Department of Public Health and the Environment (CDPHE) to actively engage the community and local stakeholders. We will also work with our colleagues in other EPA regional offices to actively engage downstream jurisdictions through the listing, investigation, and cleanup efforts.

The EPA is requesting a written response to this letter from your office or from the Executive Director of the CDPHE by February 29, 2016. The EPA has set this date to allow adequate time to meet the next proposed rule schedule, which is currently March, 2016. The EPA requests that the response letter

indicate if the state supports placement of the site on the NPL. The EPA will be sharing information with the community regarding the state's plans and position, including posting the information on the internet.

We will continue to work closely with and seek input from the state as the listing process proceeds. We appreciate your consideration of this matter. If additional information is needed, please contact me, or your staff may contact Martin Hestmark, Assistant Regional Administrator, Office of Ecosystems Protection and Remediation, at (303) 312-6776.

Sincerely,



Shaun L. McGrath
Regional Administrator

cc: The Honorable Gary Herbert
Governor, State of Utah

The Honorable Susana Martinez
Governor, State of New Mexico

The Honorable Russell Begaye
President, Navajo Nation

The Honorable Clement Frost
Chairman, Southern Ute Indian Tribe

The Honorable Manuel Heart
Chairman, Ute Mountain Ute Tribe

Larry Wolk
Executive Director, Colorado Department of Public Health and Environment

Martha Rudolph
Director, CDPHE Environmental Programs

Gary Baughman
Director, CDPHE Hazardous Waste Management Division